



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 100-2	Subject: WARRANT TO ARREST PAROLEES, DOC INMATES, CONDITIONAL RELEASE OFFENDERS, OR INTERSTATE OFFENDERS	
Reference: 46-6-311, MCA; 46-23-1023, MCA		Page 1 of 4
Effective Date: 06/01/00		Revision Dates: 11/23/01; 06/17/02; 08/01/05; 02/15/06; 03/14/14
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief		

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will follow established procedures when issuing a warrant to arrest and hold parolees, offenders in Adult Community Corrections Division programs/facilities, conditional release offenders, or Interstate offenders.

II. DEFINITIONS:

ACCD-Adult Community Corrections Division Program/Facility – The Division includes the Adult Interstate Bureau; the Probation and Parole Bureau which provides the Day Reporting Programs (DRP), Intensive Supervision Programs (ISP), and Enhanced Supervision Program (ESP); the Missoula Assessment and Sanction Center (MASC); and the Facilities Program Bureau which includes Treasure State Correctional Training Center (TSCTC), and the contracted facilities of Prerelease Centers (PRC), Sanction Treatment Assessment Revocation & Transition (START), Warm Springs Addiction Treatment and Change Program (WATCH), Connections Corrections Program (CCP), Passages Alcohol and Drug Treatment (Passages ADT), Passages Assessment Sanction & Revocation Center (Passages ASRC), NEXUS Correctional Treatment Center (NEXUS), and Elkhorn Treatment Center (Elkhorn).

Conditional Release Offender – A status that applies to offenders committed to the Department, placed in an ACCD program/facility, and may be released to community supervision by the Probation & Parole Bureau prior to the expiration of his/her sentence.

Department/DOC – The Montana Department of Corrections.

Disciplinary Hearing – A hearing conducted by a Regional Administrator or POII that provides applicable due process requirements for DOC-committed offenders on inmate or conditional release status to confront violations of ACCD facility or conditional release rules.

DOC Commitment – A commitment by the District Court of an adult offender, or a criminally convicted youth, for placement in a state correctional facility or program operated by the Department or under the authority of the Department pursuant to §46-18-201, MCA.

DOC Inmate – The status of a DOC commitment who has been placed in an ACCD facility.

Hearings Officer – Regional Administrator (RA) or Probation & Parole Officer II (POII) employed by the Department. As an impartial person, conducts all hearings for alleged supervision violations within the Probation & Parole Bureau and alleged Class I/Class II misconduct violations occurring in

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ACCD facilities. Hearings for alleged Class III misconduct violations are typically conducted pursuant to facility procedures; however an RA or POII may conduct the hearing.

Interstate Offender – A person convicted of a felony or misdemeanor in a state other than Montana who resides in Montana and has transferred his/her supervision through the interstate transfer process.

Intervention Hearing – An informal administrative hearing performed by a Hearings Officer.

OMIS-Offender Management Information System – The Department’s electronic data collection and reporting system.

Preliminary “On-site” Hearing – An administrative hearing performed by a Hearings Officer to determine if there is probable cause to believe a parolee or interstate offender violated his/her conditions of supervision. The hearing is conducted at the site of the alleged violation or arrest.

III. PROCEDURES:

A. Offenders Within Montana

A pick up and hold warrant for a parolee, DOC inmate, conditional release offender, or interstate offender within Montana will be issued when there is reasonable cause to believe the offender has violated a condition of his/her release or the rules of the facility, or if an offender presents such danger to the community that he/she cannot remain within the community without seriously and/or continuously endangering personal safety and/or the property rights of others or of the offender.

B. Offenders Outside Montana

If it is necessary to arrest a parolee or conditional release offender outside of Montana, Probation & Parole Officers (Officer) must obtain an administrative warrant through the Montana Adult Interstate Bureau.

C. PROCEDURE:

RESPONSIBILITY:

1. Offenders Within Montana:

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| a. Pursuant to §46-6-311, MCA and §46-23-1023, MCA, any Officer may arrest an offender without a warrant or may deputize another Officer with the power of arrest to do so by giving oral authorization. | P&P Officer |
| b. The Officer must report all arrests to his/her supervisor as soon as possible. | P&P Officer |
| c. Within 12 hours of an arrest, the Officer must: | P&P Officer |
| i. Complete OMIS Warrants entries for <i>P&P 100-2(A) Warrant to Arrest Parolee/Inmate/Conditional Release/ Interstate Offender</i> setting forth that the offender has, in the Officer’s judgment, violated the conditions of the offender’s release and/or rules of the ACCD facility. | |

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- ii. Submit *Warrant* to the place of detention; and
 - iii. Distribute *Warrant* to arresting authority (i.e. sheriff or police department).
 - d. Parolees, DOC inmates, conditional release offenders, and interstate offenders are not entitled to bond.
 - e. For parolee, DOC inmate, or conditional release offender: Discuss with the Regional Administrator (RA) or designee to determine whether to, within a reasonable time:
 - i. Release the offender;
 - ii. Hold an intervention hearing for possible sanctions (see *P&P 140-5 Intervention Hearing*);
 - iii. Hold on-site hearing (parolee) or disciplinary hearing (inmate/conditional release) for possible sanctions [see *P&P 140-1 Conditional Release Offender Disciplinary Hearings*, or *P&P 140-2 Preliminary (On-Site) Hearing*]; or
 - iv. Pursue formal revocation:
 - a) Parolees – Hold on-site hearing pursuant to *P&P 140-2 Preliminary (On-Site) Hearings*. *P&P 100-1 Report of Violation on Probationers and Parolees* will be followed if revocation is necessary.
 - b) DOC inmate/conditional release offender – Hold disciplinary hearing pursuant to *P&P 140-1 Disciplinary*.
 - f. For interstate offender: Discuss with RA or designee or Adult Interstate Bureau staff, to determine whether to, within a reasonable time:
 - i. Release the offender;
 - ii. Hold an intervention hearing for possible sanctions; or
 - iii. Pursue formal revocation (see *P&P 130-3 Report of Violation for Out-of-State Offenders Supervised in Montana*)
 - g. When the issued *Warrant* is no longer necessary, complete OMIS Warrant entries for *P&P 100-2(B) Authorization to Cancel Warrant/Pick Up & Hold* and forward to local law enforcement.
2. Offenders Outside of Montana
- Once a warrant or detainer for parole violations is issued on a parolee through the Adult Interstate Bureau by the Deputy Compact Administrator (DCA), or designee, the Director or Senior Analyst for the Board of Pardons and Parole (BOPP) is notified. The warrant/detainer will remain in effect until the parolee is

P&P Officer
RA or designee

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P&P Officer
RA or designee

DCA or designee

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apprehended or the BOPP Hearing Panel has been contacted and allows the warrant to be quashed.

- a. In the case of parolees who have suspended time to follow, the BOPP Hearing Panel will be contacted to make a determination on the status of the warrant/detainer. BOPP
 - i. If the parolee meets criteria including, but not limited to, the following, the BOPP Hearing Panel may leave the warrant/detainer in place despite the parole expiration date:
 - a) commission of another felony
 - b) violent or sexual offender
 - c) victims
 - d) high profile case
 - e) extensive criminal history
 - ii. For other parole cases where there is suspended time to follow, the BOPP Hearing Panel may cancel the warrant/detainer and allow the Department to file *P&P 100-1(A) Report of Violation* for revocation of the offender's suspended time.
- b. In the case of parolees who have no suspended time to follow, the BOPP Hearing Panel will be contacted to make a determination on the status of the warrant/detainer. BOPP
 - i. If the parolee meets criteria including, but not limited to the following, the BOPP Hearing Panel may leave the warrant/detainer in place despite the parole expiration date:
 - a) commission of another felony
 - b) violent or sexual offender
 - c) victims
 - d) high profile case
 - e) extensive criminal history
 - ii. For other parole cases where there is no suspended time to follow, the BOPP Hearing Panel will determine if it is in the best interest of justice, the public, and the parolee to dismiss the warrant/detainer and will notify the DCA or designee.

IV. CLOSING:

Questions concerning this procedure shall be directed to the RA or DCA.

V. FORMS:

P&P 100-2 (A) Warrant to Arrest Parolee/Inmate/Conditional Release/Interstate Offender-OMIS
 P&P 100-2 (B) Authorization to Cancel Warrant/Pick Up & Hold-OMIS